

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

:

v.

: CRIMINAL NO. 29-548

DIMITRE HADJIEV

:

ORDER

AND NOW, this _____ day of November, 2022, upon consideration of the Government's Motion To Dismiss Counts 9, 16, 18, 20, 22 and 23 from the Second Superseding Indictment and to correct typographical errors in the number of two counts (duplicate Counts 10 and 11), it is hereby ORDERED, pursuant to Federal Rule of Criminal Procedure 48(a), that Counts 9, 16, 18, 20 and 22 are dismissed from the Second Superseding Indictment in this case.

IT IS FURTHER ORDERED that the counts of the Second Superseding Indictment shall be renumbered to remove the dismissed counts and correct the typographical errors in the duplicate numbering of Counts 10 and 11 in the Second Superseding Indictment, so that the counts shall be renumbered as listed below.

Original Count	Renumbered Count
10 (first)	9
11 (first	10
10 (second)	11
11 (second)	12
12	13
13	14
14	15
15	16
17	17
19	18
21	19
24	20

BY THE COURT:

HONORABLE CYNTHIA M. RUF
Judge, United States District Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : **CRIMINAL NO. 19-548**
DIMITRE HADJIEV :

**GOVERNMENT'S MOTION TO CORRECT TYPOGRAPHICAL ERRORS
IN, AND TO DISMISS COUNTS 9, 16, 18, 20, 22 AND 23
FROM, THE SECOND SUPERSEDING INDICTMENT**

The United States of America, by and through its attorneys, Jacqueline C. Romero, United States Attorney for the Eastern District of Pennsylvania, and K.T. Newton, Assistant United States Attorney for the District, respectfully moves this Court, pursuant to Federal Rule of Criminal Procedure 48(a), to dismiss Counts 9, 16, 18, 20, 22 and 23 of the Second Superseding Indictment in this case. In support of this motion, the government states as follows:

1. On September 17, 2019, the grand jury in the Eastern District of Pennsylvania returned an indictment charging defendant Dimitre Hadjiev with: in Count 1, money laundering - sting, in violation of 18 U.S.C. § 1956(a)(3); Count 2, failure to file record of financial transaction, in violation of 31 U.S.C. § 5324(b)(1); and Count 3, structuring of financial transactions, in violation of 31 U.S.C. § 5324(a)(3).

2. On November 19, 2019, the grand jury issued a superseding indictment. Counts One through Three of the new indictment carried over the original charges. In addition, that pleading added one substantive attempted trafficking in counterfeit goods charge (Count Four). All of the counts of the Superseding Indictment named Hadjiev as a defendant.

3. On March 4, 2021, the grand jury issued a second superseding indictment. Counts One through Four of the new indictment carried over the charges from the superseding indictment. In addition, the pleading added 22 substantive counts: 21 counts of structuring of financial transactions, in violation of 31 U.S.C. §§ 5324(a)(1) and (d)(2) (Counts 5 through 23); and one count of structuring of financial transactions, in violation of 31 U.S.C. §§ 5324(a)(3) and (d)(2) (Count 24). The counts were not numbered correctly, however, as there were duplicate Counts 10 and 11.

4. The government has elected not to pursue six of the substantive money laundering counts of the second superseding indictment brought under 18 U.S.C. § 1956(a)(1). Therefore, the government moves the Court to dismiss Counts Seven, Eight, Nine, and Ten from the Second Superseding Indictment. The government is not moving to dismiss any other charges or the forfeiture notices.

5. The government also asks the Court to renumber counts in the Second Superseding Indictment as listed below, to correct the typographical error in the duplicate numbering of Counts 10 and 11 and so that the numbering of the second

superseding indictment after the dismissal of the counts will be continuous.

Original Count	Renumbered Count
10 (first)	9
11 (first)	10
10 (second)	11
11 (second)	12
12	13
13	14
14	15
15	16
17	17
19	18
21	19
24	20

6. This request is made pursuant to this Court's authority to make amendments to indictments "concerning matters of form," but not to substance. *Russell v. United States*, 369 U.S. 749, 770 (1962); *United States v. Goldstein*, 502 F.2d 526, 528 (3d Cir.1974). "An amendment of form and not of substance occurs when the defendant is not misled in any sense, is not subjected to any added burden, and is not otherwise prejudiced." *United States v. Kegler*, 724 F.2d 190, 194 (D.C. Cir.1983) (*citing Williams v. United States*, 179 F.2d 656, 659 (5th Cir.1950)). Renumbing is clearly a matter of form.

Wherefore, for the reasons stated above, the government requests that, pursuant to Federal Rule of Criminal Procedure 48(a), this Court dismiss Counts 9, 16, 18, 20, 22 and 23 of the Second Superseding Indictment in this case, and renumber the remaining counts.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

/s/ K.T. Newton
K.T. NEWTON
Assistant United States Attorneys

Dated: November 12, 2022

CERTIFICATE OF SERVICE

K.T. Newton, Assistant United States Attorney, represents that he caused the foregoing Government's Motion To Dismiss Counts and Correct Typographical Errors and proposed Order to be served by electronic filing on the Court's Electronic Case Filing system on the following counsel:

Daniel Cevallos, Esquire
Peter J. Scuderi, Esquire
Daniel Pell, Esquire
Attorneys for defendant Dimitre Hadjiev

/s/ K.T. Newton
K.T. Newton
Assistant United States Attorney

Dated: November 10, 2022